IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OFNOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20239 of 2004

Between:

A. Solomon, S/o Papaiah, 42 years, Occ: Secondary Grade Teacher, A.B.M. High School, Markapur, Markapur Mandal, Prakasam District.

.....PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary to Government, School Education Department, Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, Saifabad, Hyderabad.
3 The Regional Joint Director of School Education, Guntur, Guntur District.
4 The District Educational Officer, Ongole, Prakasam District.
5 The Secretary/Correspondent, A.B.M. High School, Markapur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not extending the benefit of absorbing the petitioner into aided post of Secondary Grade Teacher in the 5th respondent school on par with other similarly situated persons by ratifying his appointment as illegal, arbitrary, violative of principles of natural justice and also violative of Article 14, 16 and 21 of the Constitution of India, consequently direct the respondents to absorb the petitioner into existing aided vacancy of Secondary Grade Teacher in the 5th respondent School w.e.f. 10-8-1998 with all consequential benefits.

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondents 1 to 4: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

ORDER:

The petitioner contends that the 5th respondent passed an order on 10.08.1998 appointing him as a Secondary grade teacher in the existing vacancy subject to the approval of the department. The petitioner further contends that when he made an application, the Correspondent-5th respondent forwarded his application to the 4th respondent through the letter dated 30.09.2004 requesting the 4th respondent to ratify the action of the 5th respondent on humanitarian grounds and absorb him to aided secondary grade post with effect from 10.08.1998 and it may be treated as the proposal from the 5th respondent. The petitioner further contends that after receipt of the said letter of the 5th respondent dated 30.09.2004, the 4th respondent did not take any steps. Therefore, he approached this Court through this writ petition questioning his appointment in the aided vacancy.

In the light of the circumstances explained by the petitioner, the 4th respondent is directed to examine the letter of the 5th respondent dated 30.09.2004 whether it can be treated as the proposal from the 5th respondent and if so to pass appropriate orders on the said letter within four weeks from the date of receipt of this order.

Accordingly, the writ petition is disposed of.

04.11.2004

MRKR

To

1.The Secretary to Government, School Education Department, Secretariat, State of Andhra Pradesh, Hyderabad.

2.The Commissioner and Director of School Education, Saifabad, Hyderabad.

3 The Regional Joint Director of School Education, Guntur, Guntur District.
4 The District Educational Officer, Ongole, Prakasam District.
5. Two C.Cs to the Government Pleader for School Education, High Court Buildings, Hyderabad.(OUT)

6. Two C.D. copies.